

AO 91 (Rev. 11/11) Criminal Complaint

s/ Danielle M. Connolly 05/26/2023

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

United States of America
v.
Angel Luis Garcia-Navedo

Case No. M-23-413 -AMG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 28, 2023, in the county of Jackson in the
Western District of Oklahoma, the defendant(s) violated:

Code Section


18 U.S.C. § 922(a)(6)

Offense Description

False Statement During the Purchase of a Firearm

This criminal complaint is based on these facts:

See attached Affidavit of Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent (SA) David J. McCauley, Jr., which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.


Complainant's signature

David J. McCauley, Jr., Special Agent (ATF)

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/26/23


Judge's signature

City and state: Oklahoma City, Oklahoma

AMANDA MAXFIELD GREEN, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

AFFIDAVIT OF PROBABLE CAUSE
IN SUPPORT OF ARREST WARRANT

I, David McCauley, having been duly sworn, depose and state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a division of the United States Department of Justice, having been so employed since June 2018. Prior to my employment with the ATF, I was a Police Officer in Hampton, Virginia for seven years. I am a graduate of the Department of Homeland Security's Criminal Investigator Training program as well as the ATF Special Agent Basic Training Program. As a Special Agent with ATF, I am vested with the authority to investigate violations of federal laws including Title 18 of the United States Code.

2. I have been assigned to the ATF Oklahoma City Field Office since December 2018. I am familiar with the information contained in this Affidavit through personal investigation and/or information received from other law enforcement officers, mentioned herein, who have participated in and/or have contributed documentary reports of their investigative efforts in this matter. This Affidavit contains information necessary to support the Complaint and is not intended to include every fact or matter observed or known by me.

3. This Affidavit is presented for the limited purpose of seeking a federal Complaint and arrest warrant for Angel Luis GARCIA-NAVEDO (GARCIA-

NAVEDO), a male with the date of birth xx/xx/1996. This Complaint and arrest warrant are sought for **GARCIA-NAVEDO**'s violation of Title 18, United States Code, Section 922(a)(6).

FACTS SUPPORTING PROBABLE CAUSE

4. On April 28, 2023, **GARCIA-NAVEDO** knowingly provided false information on the ATF Federal Form 4473 while seeking to purchase a firearm from a Federal Firearms Licensee (FFL).

5. On May 23, 2023, Altus Police Department (APD) Detective Josh Smalts contacted SA McCauley in reference to **GARCIA-NAVEDO**'s purchase of a firearm. Det. Smalts advised that **GARCIA-NAVEDO** is currently facing felony charges in Jackson County District Court. Specifically, **GARCIA-NAVEDO** is charged by information in Jackson County District Court case number CF-2022-0089 with first degree rape in violation of Okla. Stat. tit. 21, § 1111-1116, and sexual battery, in violation of Okla. Stat. tit. 21, § 1123(B).¹ Both violations are felonies carrying terms of imprisonment of more than one year upon conviction.

6. Det. Smalts advised that **GARCIA-NAVEDO** is aware of these charges and has been present with counsel for multiple court proceedings thereon – including a preliminary hearing at which the victim testified and after which **GARCIA-NAVEDO** was

¹ The probable cause affidavit supporting the indictment alleges that **GARCIA-NAVEDO** raped the mother of his three-year-old child and that their daughter witnessed the incident.

bound over for trial. The case remains pending in Jackson County District Court at this time, next set for a status review on June 6, 2023.

7. Det. Smalts received information that **GARCIA-NAVEDO** purchased a firearm at AEC Outdoors, taking receipt on May 5, 2023. AEC Outdoors is an FFL located at 1316 North Main Street, Altus, Oklahoma 73521, within the Western District of Oklahoma.

8. **GARCIA-NAVEDO** initiated the purchase of the firearm by visiting AEC Outdoors on April 28, 2023, and selecting a Romarm/Cai, model WASR-10, 7.62x39mm caliber rifle, bearing serial number ROA 22 A1-93219. He then completed an ATF Federal Form 4473, which is required for the purchase of firearms from an FFL.²

9. Question 21(d) on Federal Form 4473 asks the applicant:

“Are you under indictment or information in any court for a **felony**, or any other crime for which the judge could imprison you for more than one year, or are you a current member of the military who has been charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial?”

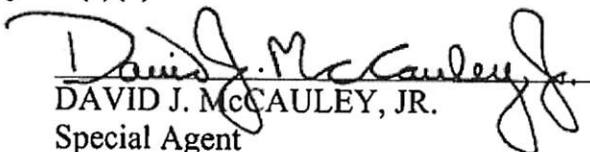
(Emphasis in original.) In response, **GARCIA-NAVEDO** ticked the box in the “No” column next to Question 21(d), indicating that he was not.

²

After the completion of Federal Form 4473, a National Instant Criminal Background Check System (NICS) is completed to determine if the purchaser is prohibited from possessing or purchasing the firearm. In this instance, the FFL received a “delay” notice regarding **GARCIA-NAVEDO**’s attempted purchase. A NICS delay occurs when the background of the purchaser may have a prohibiting factor and more time is required to confirm what prohibiting factor is linked to the purchaser before the firearm may be transferred. FFLs may continue with a transfer if there is not a response from NICS within three business days. On May 5, 2023, **GARCIA-NAVEDO** took receipt of the firearm.

10. Based upon the aforementioned facts and circumstances, I believe that **GARCIA-NAVEDO** made a false statement in response to Federal Form 4473 Question 21(d) in order to deceive employees at the FFL about a material fact, specifically the status of his pending felony charges in Jackson County District Court case number CF-2022-0089, which affected the legality of the transfer of the firearm from the dealer to **GARCIA-NAVEDO**.

11. Based upon the aforementioned facts and circumstances, I believe that probable cause exists that on or about April 28, 2022, within the Western District of Oklahoma, **Angel Luis GARCIA-NEVADO**, who at that time was charged by information with two felony counts in Jackson County District Court, did lie on Federal Form 4473, in violation of 18 U.S.C. § 922(a)(6).


DAVID J. McCAULEY, JR.
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn and subscribed before me this 26th day of May, 2023.


AMANDA MAXFIELD GREEN
U.S. MAGISTRATE JUDGE